

Remarks/Arguments

In the Notice of Non-Compliant Amendment mailed Sept. 20, 2007 by Legal Instruments Examiner Ronald Laneau regarding applicant's claims, the Examiner alleged:

"The present claims are not drawn to the original invention set forth in this application. The Applicant has constructively elected the original claimed subject matter by original presentation. The present amendment includes independent claims now drawn to "coordinates memory" mapping two dimensional coordinates to three dimensional coordinates. This is newly claimed matter in this amendment incorporated by all independent claims. Additionally, with respect to the dependent claims, there are several claims drawn to a simulated hand with flexible joints. This is also newly claimed matter. Since none of these claims are drawn to the elected invention, this amendment is non-compliant."

Applicant respectfully traverses the Notice of Non-Compliant Amendment.

Examiner's allegation: "The present claims are not drawn to the original invention set forth in this application. The Applicant has constructively elected the original claimed subject matter by original presentation."

Applicant's response: In applicant's RCE dated February 16, 2007, applicant elected the subject matter in claims 352–374 that was examined and rejected by Office Action dated April 17, 2007. Applicant thereby constructively elected the subject matter of dependent claims 353 (touchscreen) and 355 (coordinates) together with independent claim 352, elements of which are now incorporated in pending claims 375, 388, and 394 in independent form. These pending claims 375, 388, and 394 are therefore drawn to the elected invention.

Examiner's allegation: "The present amendment includes independent claims now drawn to "coordinates memory" mapping two dimensional coordinates to three dimensional coordinates."

Applicant's response: Coordinates are recited in examined claims 355, 356, and 357, now canceled. It is well known that whenever coordinates are generated or calculated, the coordinates values are stored in writable memory. Such memory may be termed "coordinates memory". Claim 355 was examined on April 17, 2007 and recites "said game space corresponding to said detected successive operation location coordinates". Said game space is 3-dimensional according to claim 352 and said "location coordinates" on the touch screen are 2-dimensional. It is therefore inherent in the elected subject matter of claim 355 examined on April 17, 2007, that 2-D touchscreen coordinates be converted to 3-D. This subject matter is also disclosed in paragraph [0125] "convert physical LCD location coordinates into simulated spatial coordinates". The 2-D to 3-D limitation in applicant's pending claims is therefore drawn to the elected invention.

Examiner's allegation: "Additionally, with respect to the dependent claims, there are several claims drawn to a simulated hand with flexible joints. This is also newly claimed matter."

Applicant's response: Claims 376, 377, 385, and 389–391 that refer to "joint" or "joints" have been canceled without disclaimer. Therefore, the issue is moot.

Applicant therefore submits that the present pending claims are drawn to the elected invention and hence the non-compliant status should be withdrawn and the application rescheduled for examination on the merits.

Previously presented claims 375, 378–381, 383, 386–388, and 392–394 are now pending.

Amendments to the specification and drawings and remarks/arguments were submitted by applicant on June 29, 2007 in response to the non-final Office Action dated April 17, 2007 and are mentioned here so they will not be overlooked.

Respectfully submitted,

GRAYBEAL JACKSON HALEY LLP

A handwritten signature in black ink, appearing to read "Jeffrey T. Haley", is positioned above the printed name.

Jeffrey T. Haley

Registration No. 34,834

155 - 108th Avenue N.E., Suite 350

Bellevue, WA 98004-5901

(425) 455-5575